

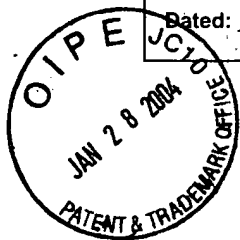
CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Dated: 1/28/2004

Signature: (LILIA C. SEN)

**Docket No.: 311412001820
(PATENT)**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Lori J. LEHMAN, *et al.*

Application No.: 09/966,982

Group Art Unit: 1651

Filed: September 27, 2001

Examiner: D. Ware

For: NOVEL STRAIN OF *STREPTOMYCES* FOR
CONTROLLING PLANT DISEASES

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

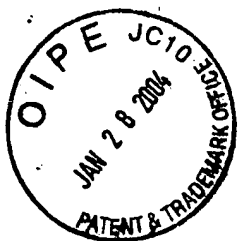
Dear Sir:

INTRODUCTORY COMMENTS

This is in response to the Office Action dated July 30, 2003 (Paper No. 15). The deadline to respond to this action was October 30, 2003, for which a three month extension of time is requested to extend the time for response from October 30, 2003 to January 30, 2003.

Accordingly, this response is timely filed. Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein is respectfully requested.

AMENDMENTS



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004 <small>Effective 10/01/2003, Patent fees are subject to annual revision.</small>		Complete if Known	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/966,982
TOTAL AMOUNT OF PAYMENT (\$)		Filing Date	September 27, 2001
530.00		First Named Inventor	Lori J. LEHMAN
		Examiner Name	D. Ware
		Art Unit	1651
		Attorney Docket No.	311412001820
METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		3. ADDITIONAL FEES	
<input checked="" type="checkbox"/> Deposit Account:		Large Entity Small Entity	
Deposit Account Number 03-1952		Fee Fee Fee Fee	
Deposit Account Name Morrison & Foerster LLP		Code (\$) Code (\$) Description Fee Paid	
The Director is authorized to: (check all that apply)		1051 130 2051 65 Surcharge - late filing fee or oath	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments		1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet.	
<input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)		1053 130 1053 130 Non-English specification	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		1812 2,520 1812 2,520 For filing a request for ex parte reexamination	
FEE CALCULATION		1804 920* 1804 920* Requesting publication of SIR prior to Examiner action	
1. BASIC FILING FEE		1805 1,840* 1805 1,840* Requesting publication of SIR after Examiner action	
Large Entity Small Entity		1251 110 2251 55 Extension for reply within first month	
Fee Fee Fee Fee		1252 420 2252 210 Extension for reply within second month	
Code (\$) Code (\$) Description Fee Paid		1253 950 2253 475 Extension for reply within third month 475.00	
1001 770 2001 385 Utility filing fee		1254 1,480 2254 740 Extension for reply within fourth month	
1002 340 2002 170 Design filing fee		1255 2,010 2255 1,005 Extension for reply within fifth month	
1003 530 2003 265 Plant filing fee		1401 330 2401 165 Notice of Appeal	
1004 770 2004 385 Reissue filing fee		1402 330 2402 165 Filing a brief in support of an appeal	
1005 160 2005 80 Provisional filing fee		1403 290 2403 145 Request for oral hearing	
SUBTOTAL (1) (\$)		1451 1,510 1451 1,510 Petition to institute a public use proceeding	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE		1452 110 2452 55 Petition to revive - unavoidable	
Total Claims 38 -38* = 0 x 9 = -0-		1453 1,330 2453 665 Petition to revive - unintentional	
Independent Claims 2 -3* = 0 x 43 = -0-		1501 1,330 2501 665 Utility issue fee (or reissue)	
Multiple Dependent 145 = 0.00		1502 480 2502 240 Design issue fee	
Large Entity Small Entity		1503 640 2503 320 Plant issue fee	
Fee Fee Fee Fee		1460 130 1460 130 Petitions to the Commissioner	
Code (\$) Code (\$) Description Fee Paid		1807 50 1807 50 Processing fee under 37 CFR 1.17(q)	
1202 18 2202 9 Claims in excess of 20		1806 180 1806 180 Submission of Information Disclosure Stmt	
1201 86 2201 43 Independent claims in excess of 3		8021 40 8021 40 Recording each patent assignment per property (times number of properties)	
1203 290 2203 145 Multiple dependent claim, if not paid		1809 770 2809 385 Filing a submission after final rejection (37 CFR 1.129(a))	
1204 86 2204 43 ** Reissue independent claims over original patent		1810 770 2810 385 For each additional invention to be examined (37CFR 1.129(b))	
1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent		1801 770 2801 385 Request for Continued Examination (RCE)	
SUBTOTAL (2) (\$)		1802 900 1802 900 Request for expedited examination of a design application	
-0-		Other fee (specify) Terminal Disclaimer 55.00	
**or number previously paid, if greater; For Reissues, see above		*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$)	
		530.00	
SUBMITTED BY		(Complete if applicable)	
Name (Print/Type) TIMOTHY A. WORRALL		Registration No. (Attorney/Agent)	54,552
Signature [Signature]		Telephone	415/268-7151
		Date	January 28, 2004